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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-1229

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 21, U.S.C., § 846)

ROBERT ANDERSON,
also known as "Ni" and
"Willie,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

AL GYENES, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between April 1, 2008 and August 31, 2008, within the Eastern District of New York and elsewhere, the defendant ROBERT ANDERSON, also known as "Ni" and "Willie," did knowingly and intentionally conspire to distribute and posses with the intent to distribute a substance containing heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and

1. I am a Special Agent with the Drug Enforcement Administration ("DEA"). I have been a Special Agent with the DEA for approximately ten years. I am currently assigned to a DEA squad that investigates the organized crime families of La Cosa Nostra ("LCN"). During my tenure with the DEA, I have participated in investigations that have included, among other investigative techniques, the use of physical surveillance, execution of search warrants, consensual recordings of individuals associated with narcotics trafficking and debriefing of confidential sources and cooperating witnesses. Through my training, education and experience, I have become familiar with narcotics trafficking activities and the efforts of persons involved in such activity to avoid detection by law enforcement.

2. I have participated in the investigation of the offenses described herein. As a result of my participation in this investigation, and through interviews with, and analysis of reports submitted by, other law enforcement personnel, I am familiar with this investigation. The statements contained in this affidavit are based in part on information provided by Special Agents of the DEA, other law enforcement personnel, confidential informants, cooperating witnesses and also are based on my experience and background as a Special Agent. All statements are provided in sum and substance and in part.

circumstances of which I am aware.

3. Based upon a review of law enforcement databases, including criminal history databases, ROBERT ANDERSON, also known as "Ni" and "Willie," is a thirty-two year old white male who currently resides at 55 Groton Street, Staten Island, New York. On January 7, 2010, ANDERSON was arrested in Richmond County, New York, on charges including criminal possession of marijuana. The case is pending. On October 18, 2008, ANDERSON was arrested in Richmond County, New York, on charges including criminal possession of a controlled substance. On December 1, 2008, ANDERSON pled guilty, and was sentenced to a conditional discharge and ten days of community service. On July 12, 2007, ANDERSON was arrested in Richmond County, New York, on charges including criminal mischief; he later pled guilty and was sentenced to a conditional discharge. On December 24, 2004, ANDERSON was arrested in Richmond County, New York, for driving while intoxicated. On March 9, 2005, ANDERSON pled guilty and was sentenced to a conditional discharge and alcohol abuse counseling, as well as a \$500 fine. On March 20, 1998, ANDERSON was arrested in Richmond County, New York, on charges including criminal possession of marijuana with intent to sell. On May 8, 1998, ANDERSON pled guilty and was sentenced to forty-five days' imprisonment.

4. A cooperating witness ("CW-1") identified a photograph of ANDERSON, and advised that ANDERSON distributes

both marijuana and heroin in Staten Island, New York.^{2/} CW-1 advised that ANDERSON is also known as "Rob" and "Ni." CW-1 advised that, on approximately fifteen occasions between April 1, 2008 and August 31, 2008, ANDERSON sold CW-1 heroin, with an approximate weight of seven to ten grams on each occasion. CW-1 advised that he paid ANDERSON approximately \$90 to \$95 per gram and then CW-1 resold the heroin for approximately \$400 to \$500 per gram. Additionally, in this time period, CW-1 advised that ANDERSON offered to sell CW-1 a quarter kilogram of heroin for approximately \$20,000. Based upon my training and experience, these quantities of heroin are consistent with distribution, and not personal use.

5. In connection with CW-1's 2008 arrest, law enforcement agents recovered several telephones from CW-1. One of the telephones recovered was assigned number 347-733-4099 ("CW Telephone"). A review of telephone records indicates that CW-1 was the subscriber for 347-733-4099 between May 17, 2007 and June 19, 2008.^{3/} A review of telephone records for 917-386-3252

^{2/} CW-1 has pleaded guilty to charges pertaining to CW-1's participation in the attempt to rob, and felony murder of, an individual, to wit: Hobbs Act robbery conspiracy, use of a firearm in connection with the robbery conspiracy, and murder during the commission of the aforementioned firearm offense. CW-1 is cooperating in the hope of obtaining leniency at sentencing and possible entry into the Witness Security program.

^{3/} A review of the telephone book for the 4099 Telephone also indicates an entry for "Ni" for 347-551-1558.

("Anderson Telephone") indicates that the Anderson Telephone is subscribed to by Linda Anderson, 55 Groton Street, Staten Island, New York. Based upon my review of criminal history records and other databases, I am aware that ANDERSON resides at 55 Groton Street, Staten Island, New York. On January 18, 2010, I observed ANDERSON exit the residence located at 55 Groton Street, Staten Island, New York. A review of toll records for the CW Telephone indicates that between April 2008 and June 2008, the CW Telephone had repeated contact with the Anderson Telephone. Based upon my training and experience, I am aware that individuals engaged in criminal activity often use the names of family members and friends, as well as fake names, as the subscribers on their cellular telephones in order to evade law enforcement scrutiny. Based upon my review of the toll records, as well as the information provided by CW-1, as well as my training and experience, I believe that ANDERSON utilized the Anderson Telephone to contact CW-1 to sell heroin.

6. A confidential source ("CS") identified a photograph of ANDERSON, and advised that ANDERSON is also known as "Ni" and "Willie." CS advised that ANDERSON is a heroin trafficker. CS advised that he observed ANDERSON in possession of heroin on two occasions in approximately 2008.^{4/} CS advised

^{4/} CS is a paid informant for the DEA. CS has provided law enforcement agents with information corroborated by additional sources of information and other investigative efforts, including

that on one of these occasions, he observed ANDERSON in possession of a kilogram of heroin.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ROBERT ANDERSON and that ANDERSON be dealt with according to law.



AL GYENES
Special Agent
Drug Enforcement Administration

Sworn to before me this
14th day of December 2011



HON. R. Mann
UNITED STATES
EASTERN DISTRICT OF NEW YORK

S/Mann

wiretap intercepts and surveillance. CS has an extensive criminal history and may be continuing to commit criminal acts.